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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,125	06/29/2001	Shunpei Yamazaki	740756-2330	7248
31780	7590	10/17/2003	EXAMINER	
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			KEBEDE, BROOK	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 10/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/894,125	<b>Applicant(s)</b> YAMAZAKI ET AL.	
	<b>Examiner</b> Brook Kebede	<b>Art Unit</b> 2823	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 25 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: (See the attachment).
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1 and 7.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 2-6, 8-17 and 19-30.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Continuation Sheet (PTO-303)

**ADVISORY ACTION**

***Status of the Claims.***

1. Claims 1-46 were pending in the application.
2. Claims 18, 31-46 have been cancelled by the after final amendment filed on September 25, 2005.
3. Claims 1 and 7 are allowed as indicted in the Office action that was mailed on May 19, 2003.
4. Claims 2-6, 8-17 and 19-30 are rejected as as indicted in the Office action that was mailed on May 19, 2003.
5. Currently, Claims 1-7 and 19-30 are pending in the application.

***Information Disclosure Statement***

6. The information disclosure statement (IDS) resubmitted on September 25, 200 was previously filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner and a copy of PTO-1449 is attached hereto.

***Response to Arguments***

7. Applicants' arguments filed on September 25, 2003 have been fully considered but they are not persuasive to over come the final rejection that was mailed on May 19, 2003.

With regarding rejection, i.e., claims 2-6, 8-17, and 19-30, under 35 U.S.C. 103, applicants argued that there is no a prima facie case of obviousness has been met." In addition, applicants argued that "Yamazaki '731 and Kudo do not teach or suggest a leveling step, an

oxygen or oxygen compound concentration of 10 ppm or less in the leveling step in either a reducing or an inert gas...”

In response to the applicant’s argument, the Examiner respectfully submits that such an argument is not commensurate with the scope of the claims, in particular, as stated above.

The Examiner respectfully submits that the combination of Yamazaki ‘731 and Kudo et al. disclose all the claimed limitation including a leveling step, an oxygen or oxygen compound concentration of 10 ppm or less in the leveling step in either a reducing or an inert gas. Yamazaki et al. disclose, after removing an oxide film, annealing of the semiconductor film with oxygen atmosphere of or oxide compound less than 1 ppm (i.e., within the scope of the claimed limitations of less than 10 ppm) (see Yamazaki et al. Col. 13, lines 10-18). In addition, leveling of the surface of the semiconductor film by heating after the treatment with the HF in reducing atmosphere such as hydrogen or inert such as nitrogen is disclosed by Yamazaki et al.

Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. See *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). See also *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In light of the specification, the term “leveling” has no any other special meaning and interpretation except annealing the semiconductor substrate in oxygen or inert atmosphere after removing and cleaning step performed as taught by the prior art.

Therefore, the *prima facie* case of obviousness has been met and the rejection under 35 U.S.C. § 103 is deemed proper.

***Correspondence***

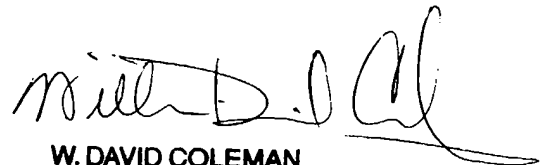
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brook Kebede whose telephone number is (703) 306-4511. The examiner can normally be reached on 8-5 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Brook Kebede

*BN*  
October 12, 2003

  
**W. DAVID COLEMAN**  
**PRIMARY EXAMINER**